

## REMARKS

### **I. Status of the Claims**

Claims 1-76 were filed with the application, and claims 21-76 were canceled in a preliminary amendment. In response to the restriction requirement which the examiner imposed, Applicants elected, without traverse, to prosecute claims 1-4 and 7-20, *i.e.*, the Group I claims. Claims 1-4 and 7-20 are thus under examination and stand rejected, variously under 35 U.S.C. §112, first paragraph. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

### **II. Rejection Under 35 U.S.C. §112, First Paragraph**

Claims 1-4 and 7-20 remain rejected under the first paragraph of §112 as lacking an adequate written description for the genus of peptides comprising the sequence KCCYSL. Applicants traverse, but the examiner has indicated that if the claims were amended to recite that the peptide binds to Erb-B2, the rejection would be overcome. Thus, in order to advance the prosecution, and in no way acquiescing to the rejection, applicants have provided such an amendment. Support for the amendment can be found at page 7, lines 23 to 25. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

### **III. Rejoinder**

In light of the examiner's indication that the provided amendment will overcome the last rejection, applicants now request rejoinder of withdrawn claims 5 and 6, given the presence of a valid linking claim. MPEP §821.04.

**IV. Conclusion**

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. The examiner is invited to contact the undersigned attorney at (512) 536-3118 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 536-3184

Date: May 8, 2008